

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DANE R. GILLETTE
Chief Assistant Attorney General
3 GERALD A. ENGLER
Senior Assistant Attorney General
4 GREGORY A. OTT
Deputy Attorney General
5 PEGGY S. RUFFRA
Supervising Deputy Attorney General
6 State Bar No. 117315
455 Golden Gate Avenue, Suite 11000
7 San Francisco, CA 94102-3664
Telephone: (415) 703-1362
8 Fax: (415) 703-1234
Email: peggy.ruffra@doj.ca.gov
9 Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 **IVAN KILGORE,**

Petitioner,

15 **v.**

16 **J. WALKER, Acting Warden,**

Respondent.

C 07-5124 SI

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
EXTENSION OF TIME**

19 I, Peggy S. Ruffra, declare under penalty of perjury as follows:

20 1. I am a Supervising Deputy Attorney General for the State of California and am
21 assigned to represent respondent in this habeas corpus case.

22 2. Petitioner was convicted in state court of first degree murder with a special
23 circumstance for discharging a firearm from a motor vehicle.

24 3. On July 16, 2008, this Court issued an Order to Show Cause why habeas relief should
25 not be granted on petitioner's 16 claims.

26 4. I have not yet been able to prepare the response in this case for the following reasons.
27 In June 2008 I filed a complex motion to dismiss various claims that were untimely, unexhausted,
28 and did not raise a federal question, in *Felix v. Hennessy*, C 01-3138 WHA; a supplemental

1 opposition to release pending appeal in *Hoover v. Newland*, 07-16749; and a reply in *Michel v.*
2 *Walker*, C 08-1724 JSW. I was on vacation for three weeks in July 2008. In August 2008, I filed
3 the Appellee's Brief in *Green v. Hornbreak*, 07-16136; an answer on the merits in *Jolivet v.*
4 *California*, CIV S 08-0189 LKK KJM P; a motion to dismiss petition as second or successive in
5 *Mustafaa v. Sisto*, C 07-6488 CW; and a motion to dismiss in *Lyman v. Scribner*, C 08-2478 JSW.
6 I cannot turn to the response in this case immediately because I am serving as second chair in
7 *Chrones v. Pulido*, 07-544, which is being argued in the United States Supreme Court on October
8 15, 2008, and which requires intense preparation leading up to that date.

9 5. I have not attempted to contact petitioner because he is an incarcerated state prisoner
10 who is representing himself in this case.

11 6. Accordingly, I respectfully request an additional 60 days in which to file the response.

12
13 Dated: September 5, 2008

14 Respectfully submitted,

15 EDMUND G. BROWN JR.
Attorney General of the State of California

16 DANE R. GILLETTE
Chief Assistant Attorney General

17 GERALD A. ENGLER
Senior Assistant Attorney General

18 GREGORY A. OTT
Deputy Attorney General

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20
21 /s/ PEGGY S. RUFFRA
22 Supervising Deputy Attorney General
23 Attorneys for Respondent

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